

G. R. S. IX-5]

Previous references.

File No. 52-14

Serial Nos. 1 & 2

1914-15
(Separate Review)

Later references.

G 792-1986-617, 13 Feb 1920

⑩ P

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 and 2

Part B for February 1917

SUBJECT.

Manjar's claim to the Toddy Revenue of
Aswale village, Humsa Taluk.

Sl 4452-3 2-10/2/17

To the Local Council and Campbells.

Sanctions the claim to a limited extent.

GENERAL AND REVENUE SECRETARIAT.

(J. R.)

NOTES.

File No. 52-14

FILE HEADING.

Inamdar's claim to the Excise revenue from toddy of
 Sawala village, Humsar M.

From

The Excise Commr in Mysore

No. 354

Dated 8/7/14

Received 11/7/14.

Diary No.

181

Enclos.

1 file

Spare Copies.

Serial No. /

BRIEF ABSTRACT OF LETTER.

Submits the records of enquiry relating to the claim
 of the inamdar to the excise revenue from toddy of
 Sawala village, Humsar M., and states that he concurs
 in the opinions recorded by the Investigating Officer and
 the Dy Commr that the inamdar is entitled to the revenue
 in full for his life under rules
 2, 3, 5, 6 of the rules of the 2nd Aug 1901 and no. 3697 of the
 8th Oct 1873. ~~and that he is entitled to the revenue~~

NOTES AND ORDERS.

J

1 The Inam settlement has conceded the item
 of toddy to the inamdar. It is also stated that
 there has been enjoyment of this revenue
 for a period of 22 years prior to 1892-3. The

24

J. R. S. 12]

General and Revenue
Secretariat.

SR File No. 52 of 1914

Serial
No.

page 120 of this Mysore
Excess Manual.

N:

Case is stated to fall under rule 2, 3, 5, 6
29 of the rules of the 2nd Augt 1901 and 80.
of no 3697 of 8th Oct 1873, as no meeting
made in the Council.
Similar cases are kept in
the "Sus" shelf pending the revision
of the rules on the subject. May this
case also be treated accordingly?
Submitted for orders.

15-

73/15

3 May be kept in Sus

he
22/11

1/11 6

Revised for orders
22/11/16

4 Claim seems to be admissible to the extent
indicated above -

he
6/11/16

Revised 7)

5 The De Comr & the Excess Comr
with the Investigating Officer in holding
the claim to the priority established as above.

6 Submitted for orders.

245

22.11.16.

1st & 2nd members)

11/11/16

7 maybe allowed

11

75/11
23.11

8 Speed
well
11.12

13.11

11/11/16

Submitted for approval before issue
of orders

* For Dewan's order

Please see the note

in vol 27-07, which runs (Dewan)

as follows: - "orders may
issue in consonance with the opinion
of the members of Council where they
both agree." (2d) 23.11.17.

NOTE - Contn. sheet

Drawn accg

18
24.1.17

8/11/16

G. R. S. III-2]

General and Revenue
Secretariat.

SR File No. 52 of 1914.

	Serial No.	
Recd 2.2.17 Lund 2.2.17 for A-15 at 11.15 AM 18 73 2.2.17 Set Issued Resubmitted		A Draft is subd for orders. 3-PM (Revised) - 18 3/1/17. 2.2.17 2nd member) - 102 2.2.17 These drafts have been put off up to long delay. This has been noticed to what means also in factually 4. Issue & explain delay 4 102 5.2.17, 18 5/2
The delay is explained in routine notes separately 18	2.	To the Excise Commr in Mysore & Campbell. No. 74452-3/SR 52-14 & dt 10/2/1917. Holds that the demand is entitled to the excise ~~Congress~~ Mysore revenue from 1899 but only to a limited extent according to the principle enunciated in Chief Commr's memo no. 3697/Rev 30 & 8/10/1873.

OFFICE OF THE EXCISE COMMISSIONER IN MYSORE.

Bangalore, dated 8th J. U. L. Y. 1914.

FROM

P. Raghavendra Rao, Esq., B.A., B.L.,

Excise Commissioner in Mysore.

TO

D. M. Narasinga Rao, Esq., B.A., B.L.,

Offg. Secretary to the Government of

His Highness the Maharaja of Mysore,

General and Revenue Departments.

DIARY No. 181

10/4/15
SECTION 52
FILE NO. 52924
SUBJECT 1

Sir,

I have the honor to submit herewith, the records of enquiry anent the Inamdar's claim to the Excise Revenue from Toddy of Aswalu village in the Hunsur Taluk, together with the usual calender and -- Official Memorandum No.38 dated the 7th July 1909, from the Deputy Commissioner, Mysore, in original, submitting letter No.173 from the District Excise Officer of that District on the subject, and to state as follows :-

2. The Kayamguttadar alleges the loss of the Sannad alienating the village in question, and consequent non-production of it at the time of the Inam Settlement vide his written statement Exhibit A.

3. The item of Bajebale is specifically mentioned in the -- authenticated copy of the Saguvali Patta dated the 13th day of Asvini Bahula of the year Vikruti (1830-31) vide Exhibit B.

4. There has been an uninterrupted enjoyment of the revenue for the 22 years preceding the year 1892-93. (Vide Exhibits filed with the records of enquiry relating to Gangadahosahalli Sarvamanya village in the Heggedadevankote Taluk, belonging to this Inamdar, submitted for orders, under cover of ~~my~~ ^{this office} letter No.623 dated 13th July '09)

5. The Inam Settlement has also conceded the item of toddy revenue to the Kayamguttadar.

6. Under these circumstances, I concur in the opinions recorded, both by the investigating Officer, and the Deputy Commissioner, that

A case kept in the Sns Shelf

FROM

Excise Commissioner in Mysore.

To

*Secretary to the Government of
H. H. the Maharaja of Mysore,
Gen. and Rev. Depts.*

Dated

Despatched

Received

General No.

Enclosure No.

SUBJECT.

*Received
by
the
Commissioner
of
Excise
on
10/10/14*

that the Inamdar is entitled to the Excise Revenue from toddy during his life-time only, under rules 2, 3, 5, 6 and 9 of the Inamdar's toddy rules of 1901, elucidating the principle laid down in the Chief Commissioner's Proceedings No. 3697 dated the 8th October 1873.

7. The inordinate delay that has taken place in the submission of this case for the orders of Government is due mainly to the non-receipt, (up to date), of certain records requisitioned from the Vernacular Record Branch of the General and Revenue Secretariat.

I have the honor to be,
Sir,
Your most obedient servant,

P. Raghavadas
9.7.14
Excise Commissioner.

S.S.R.
9-7-'14

Calendar of a claim to the Encise revenue from to

Address	Name	Witnesses
Name of Hobli	Bilikere	
Name of Inam Village	Awaru	
Name of Inamdar	Mr. Anuro Rama Rao	
Documents relied upon		
Witnesses examined	nil	
Jury		
Amount advanced, if		

- (1) Amildar Berampally's Sagunali Patta dated the 13th day of Aswela Purnima of the year Vikramti (1830-31)
- (2) Inam Jette Deed No. 59276 dated the 1st December 1880
- (3) Inam Superintendent's Docket No. 126 dated 25th March 1908
- (4) Copy of the Inam Conquering Register Sheet No. 274
- (5) The muchalikas noted in Column 5 of the Yangada - Hoskalli Calendar submitted to the Deputy Commissioner with letter No. 2617 dated the 20th April 1908
- (6) Inamdar's written statement dated the 6th February 1908
- (7) Notice dated the 4th December 1908 served on the Inamdar's representative on the 13th December 1908

Claim allowed under Rules 2, 3, 5, 6 and 9 subject to the condition that the payment - he made in full to the present claimant - during his life time only.

A sum of Rs 2623.3.0 has been advanced in previous

to justify its inclusion in the assets upon which the gatta was fixed, but in later years the source appears to have developed and the Raygar-guttadar was suffered to enjoy the revenue derived therefrom unchecked. It is just possible that the express alienation of bagbobs which is a general term often employed in connection with the Encise revenue from today, lent a support to the Inamdar in his act of collecting the revenue in these years and also led the Inam Settlement to decree in his favor.

Hence in accordance with the principle laid down in the Chief Commissioner's Proceedings No 3694 dated the 8th October 1893 it would be quite equitable if the present Inamdar were allowed the Encise revenue from today of the Village for his life time only under Rules 2, 3, 5, 6 and 9 appended to Government Order No 2074-83 - R. J. 166-92 dated the 2nd August 1901.

The Inamdar has no land 6 panna but has a 'Patta' which has been taken in connection at an time of our Inam Settlement. The

body of the revenue has been assigned to the Inamdar at the Inam Settlement. The Inamdar is the owner of the land (Mellali Inamdar) which has been given to him by the Government in 1892-93. In revenue

H. K. K. K. K.
District Encise Officer
Mysore District

time of the alienation and the Inamdar's title to the item seems to be without an express sanction of the original Sanad. In the Inam Settlement conducted in 1880, however, toddy is conceded.

It would follow, therefore, that-as per Government Order No. 638-47/R.D. 166-92 D, the 28th May 1903, an uninterrupted enjoyment of 50 years prior to 1892-93 should be required in the case. The muchalika filed by this Inamdar in connection with his claim for the toddy Encise revenue of the Gangaadashahalli furnish proof of his having derived Encise revenue from toddy in this Village also. But these muchalikas cover only 22 years preceeding 1892-93 and the Inamdar has failed to supplement this proof by production of other "dokhalas" such as the Khanga and old Village accounts. Nevertheless a continuous enjoyment of 22 years and the concession of the right by the Inam Settlement are circumstances that specially plead in favor of the Inamdar and are well worthy of consideration. It may be that at the time of the alienation of the Village on Rayangutta tenure the toddy revenue accruing in the Village was not sufficiently large as to

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GEN. & REV. SECRETARIAT.
TYPING Sec.
5 FEB 1917

States that the mandan is privileged
to a limited extent

File No. 52-14

Serial No. 2

Diary No. of letter replied to 681

GENERAL AND REVENUE
SECRETARIAT.

(*SR*)

The

191 .

READ—

Date of issue.

10-2-17

Signed by

W. Sreenivasan

Proceedings of the Government of His Highness
the Maharaja of Mysore

Letter no: 3548 8/7/1914 from the Excise

Commissioner in Mysore, submitting the record of
enquiry relating to the claim of the

mandan to the excise revenue from 1888
of Towali village, Hunsur Tal. Mysore.

ORDER THEREON.—No. 38452-3 of 10 Feb 1917

The same alienating the

village is not produced nor is any

specifically ^{sum} included under sendi in the

being account at the time of aliena

tion. But the ^{as} Income Settlement ^{has} conceded
over

Uninterrupted enjoyment for not-
less than 50 years preceding 1892-3 has
also not been proved.

SUBJECT.

this item of revenue to the mandan and
evidence of enjoyment for 22 years preceding
1892-3 has ^{been} ~~been~~ adduced by ^{him} the mandan
~~instead of for 50 years as required~~
~~by the rules of 2nd Aug 1891~~ Concurring ^{with}
~~therefore~~ with the opinions expressed
by the Excise Commr, Dy Commr, and the
Investigating Officer, ~~Govt~~ hold
that the mandan is privileged ^{to a limited extent}
~~and~~ declare him ~~to be~~
entitled to the excise revenue from
today, ~~but only to a limited extent,~~
^{only during} ~~is to~~ the life time of the present
proprietor, in accordance with
the principle ^{enunciated in} ~~underlying~~ the Chief
Commr's progs no: 3697 / Rev 30 of
the 8/10 of 1873, and that thereafter the privilege was
~~it will~~ lapse to Govt.

2.2.17.
Rev Sec to Govt.

2.2.1917

4.2.17

To The Excise Commr in Mysore, returning
the records.

To The Comptroller to Govt.

31/1/17.